



State of New Jersey

DEPARTMENT OF HEALTH AND SENIOR SERVICES

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JON S. CORZINE
Governor

FRED M. JACOBS, M.D., J.D.
Commissioner

To: Administrators of Nursing Homes, Assisted Living Residences, Comprehensive Personal Care Homes, Adult and Pediatric Day Health Services Facilities, and non-free-standing Residential Health Care Facilities

From: Barbara Goldman, R.N., J.D.
Director, Long-Term Care, Licensing and Certification

Date: April 6, 2006

Re: Effect of the "New Jersey Smoke-Free Air Act" on Nursing Homes, Assisted Living Residences, Comprehensive Personal Care Homes, Adult and Pediatric Day Health Services Facilities, and non-free-standing Residential Health Care Facilities

The Department of Health and Senior Services has determined that the New Jersey Smoke-Free Air Act ("Act"), N.J.S.A. 26:3D-55 et seq., which prohibits smoking in all enclosed indoor public places of a health care facility licensed by the Long-Term Care Licensing and Certification Program in the Division of Health Facilities Evaluation and Licensing as of April 15, 2006, will not impact nursing homes, assisted living residences, adult and pediatric day health services facilities or non-free-standing residential health care facilities that have set aside a **NON-PUBLIC** indoor space for the use of residents or participants who smoke. Therefore, if your facility has an indoor space set aside for the use of residents or participants who smoke, the area set aside for smoking cannot be accessible to the general public.

The Act does not impact outdoor smoking areas, as the law only impacts structurally enclosed areas that are generally accessible to the general public.

Facilities will still be required to comply with all applicable rules or statutes addressing smoking within health care facilities.

If you have any further questions regarding this issue please feel free to contact me at (609) 633-9034. Thank you.